

MEMO ENDORSED**STEPHEN D. HANS & ASSOCIATES, P.C.**

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August 21, 2008

VIA FAX: (212) 805-7932

Honorable Theodore H. Katz
 United States Magistrate Judge
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007

Re: Matos, et al. v. 738 Restaurant Corp., et al.
Case No. 08 CV 979 (AKH)(THK)

Dear Judge Katz:

This firm represents the Defendants in the above action. This matter is set for a settlement conference tomorrow morning at 10:00 a.m. However, I have just learned that the Defendants' representative who was scheduled to appear at the conference has apparently forgotten about it and is out of town. As such, he will be unable to appear at the conference tomorrow morning. I have informed Plaintiffs' counsel of this situation by telephone.

On behalf of the Defendants, I humbly request an adjournment of the settlement conference. I sincerely apologize to Your Honor for this eleventh hour notice. I will do everything in my power to ensure that this does *not* happen again.

Respectfully Submitted,

Nils C. Shillito (NS-6755)

NCS/na

cc: Elizabeth Wagoner, Esq. (via fax: 718-651-3828)

The conference is adjourned
 to September 11, 2008
 at 2:00 P.M.

8/21/08 **SO ORDERED**

THEODORE H. KATZ
 UNITED STATES MAGISTRATE JUDGE